

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ORDER NO. R5-2005-XXXX

NPDES NO. CA 0084174

WASTE DISCHARGE REQUIREMENTS  
FOR  
METROPOLITAN STEVEDORE COMPANY  
PORT OF STOCKTON FACILITY  
SAN JOAQUIN COUNTY

The California Regional Water Quality Control Board, Central Valley Region (hereafter Regional Board) finds that:

1. The Metropolitan Stevedore Company (hereafter Discharger) submitted a Report of Waste Discharge, dated 26 September 2002, and applied for renewal of its permit to discharge storm water and non-storm water under the National Pollutant Discharge Elimination System (NPDES) from its facility at the Port of Stockton (Port).
2. The Discharger operates a marine bulk commodity terminal on leased land at the Port. Industrial activities include bulk material loading and unloading at the Port's Dock 12, operation and maintenance of conveyors, ship loaders, and other equipment required to maintain its operation. Bulk materials handled in recent years have been limited to petroleum coke, coal and sulfur; however, other materials may be handled in the future. Areas where these activities are conducted are shown in Attachment A of this Order.
3. This Order authorizes the direct or indirect discharge of storm water that comes in contact with industrial activities, described above, to the San Joaquin River (River).
4. Storm water runoff, dust suppression water, and wash down water from bulk materials handling operations collect in a primary retention basin and some other low areas onsite, and evaporate or percolate into groundwater. The Discharger submitted data showing that this water is contained onsite in a 50-year storm event. Discharges may occur during intense storm events or when annual accumulated rainfall far exceeds the average for a given year. These waters, when mixed together, are considered non-storm water discharges. Analytical results for mixed storm water and non-storm water collected from the primary retention basin from 1997 to 2004 showed constituents (i.e., chemical oxygen demand, sulfate, total dissolved solids, total suspended solids, chromium, copper, nickel and zinc) at levels that represent a threat to water quality if runoff occurs. This Order prohibits discharges of storm water or non-storm water to surface water from the site, unless the Discharger shows it has reduced or prevented pollutants in the discharge through implementation of best available technology (BAT) for toxic and non-conventional pollutants and best conventional technology (BCT) for conventional pollutants.
5. On 30 March 2005 Regional Board staff inspected the Discharger's facility and vicinity to evaluate the appropriateness of regulating onsite surface water impoundments under Title 27 of the California Code of Regulations. This inspection prompted a request from the Regional

Board for the Discharger, the Stockton Port District, and two nearby sulfur bulk storage facilities to jointly conduct a groundwater investigation and submit a Report of Waste Discharge for waste discharges to land. The results of the groundwater investigation and the Report of Waste Discharge are to be submitted by 1 September 2005.

6. The conveyor system and ship loading equipment have been constructed with protective shields to prevent contact of the product with storm water. Storm water that may come in contact with the conveyor or spillage/fugitive dust from the conveyor system may be discharged where the conveyor joins the ship loader. After each shipment, the conveyor and ship loader are cleaned. Some wash water may be discharged to receiving water. All other discharges from the conveyor are contained and either evaporate or percolate into the groundwater.
7. The Discharger may use surfactant chemicals as part of a dust suppression system on the ship loader. Prior to usage of any chemical, this Order requires the Discharger to conduct appropriate toxicity testing in accordance with Provision D.5.
8. This Order authorizes the direct or indirect discharge of dust suppression and wash waters used during and after product is loaded or unloaded at Dock 12 to the River. Storm water that comes in contact with these waters is considered a non-storm water discharge. Except in the area of the ship loader, these waters are typically contained and not allowed to discharge to the River. Some waters may be discharged if not captured or if excess dust control waters are applied.
9. This Order authorizes the direct or indirect discharge of de minimis<sup>1</sup> quantities of fugitive dust and spilled product being handled by the Discharger during loading and unloading activities, and de minimis quantities of wash water, that result in product being discharged directly to the River.
10. The Discharger removed a petroleum coke stockpile from its facility in May 2003. Soil analysis at the former stockpiling site indicated that residual polynuclear aromatic hydrocarbon concentrations were minimal and not significant. The Discharger has no plans to resume onsite petroleum coke stockpiling.
11. The Discharger developed a Storm Water Pollution Prevention Plan (SWPPP) in accordance with requirements established in the State of California's General Permit that describes the best management practices (BMPs) the Discharger is currently implementing, or proposes to implement, to reduce or prevent pollutants in storm water and non-storm water discharges. This Order requires the Discharger to continue to implement its SWPPP, and to revise or amend the SWPPP, as necessary, to meet the requirements established in this Order.
12. Annually, or as necessary, the Discharger will review, evaluate, revise, and amend its SWPPP, monitoring and reporting, and other documents required by this Order, to ensure

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<sup>1</sup> "de minimis" is defined as, "an incidental release of material, despite implementation of the BAT/BCT regulatory standard, that does not cause an exceedance of water quality standards in receiving water."

compliance with the requirements of this Order.

13. The SWPPP, Monitoring and Reporting Program, and other documents that were submitted prior to the adoption of this Order, and which will be submitted and approved subsequent to adoption of this Order, and any subsequent modifications, or revisions to these programs approved in accordance with General Provision E.1 of this Order, are integral to this Order, and are enforceable as evidence of compliance with the Order.
14. The Discharger operates a facility that is situated on land that is owned by the Stockton Port District. The Stockton Port District is regulated under a separate NPDES municipal storm sewer permit, and is required to develop and implement a comprehensive Storm Water Management Plan that could include programs that may establish regulatory controls over the Discharger. This Order does not supersede the Stockton Port District's authority where regulatory controls established by the District are more stringent than those established in this Order. When the District's controls are less stringent, the Discharger is to comply with the requirements of this Order.
15. Owing to the difficulty in monitoring the de minimis discharge to surface waters, it is not feasible to establish numeric effluent limitations for pollutants in storm water and authorized non-storm water discharges. Therefore, effluent limitations in this Order are narrative, and include the requirements to reduce pollutants in storm water discharges through implementation of BAT/BCT technologies. Until numeric effluent limits are developed, implementation of BMPs, both structural and non-structural, to achieve BAT/BCT constitute compliance with effluent limitations established in this Order. This is also consistent with the U.S. EPA's August 1, 1996 "*Interim Permitting Approach for Water Quality Based Effluent Limitations in Storm Water Permits*."
16. BMPs to reduce or prevent pollutants associated with industrial activity in storm water discharges and authorized non-storm water discharges are appropriate where numeric effluent limitations are infeasible, and the implementation of BMPs is adequate to achieve compliance with BAT/BCT and with water quality standards.
17. The Discharger is required to develop and implement an effective storm water discharge and receiving water Monitoring and Reporting Program that will allow the Discharger to characterize its storm water discharges, identify pollutants of concern, implement and assess the effectiveness of its SWPPP, and identify impacts to receiving waters caused by storm water and non-storm water discharges authorized by this Order.
18. The Regional Board adopted a *Water Quality Control Plan, Fourth Edition, for the Sacramento and San Joaquin River Basins* (hereafter Basin Plan). The Basin Plan designates beneficial uses, establishes water quality objectives, and describes an implementation program and policies to achieve water quality objectives for all waters of the Basin. This includes plans and policies adopted by the State Water Resources Control Board (State Board) and incorporated by reference, such as Resolution No. 68-16, "Statement of Policy with Respect to Maintaining High Quality of Waters in California" (Resolution No. 68-16). These requirements implement the Basin Plan. The Basin Plans,

as amended, designate beneficial uses, establish water quality objectives, and contain implementation plans and policies for waters of the Basins. Pursuant to the California Water Code §13263 (a), waste discharge requirements must implement the Basin Plans.

19. The beneficial uses of the San Joaquin River and Delta downstream of the discharge are municipal and domestic, industrial, agricultural supply, water contact and noncontact recreation, aesthetic enjoyment, navigation, and preservation and enhancement of fish, wildlife, and other aquatic resources.
20. The permitted discharge is consistent with the anti-degradation provisions of 40 CFR 131.12 and State Board Resolution 68-16.
21. The State Board may renew the NPDES General Permit for the regulation of storm water discharges associated with industrial activities (Order 97-03-DWQ) during the life of this Order. If that occurs, the Order may be reopened to consider incorporating additional requirements in the renewed General Permit into the Order.
22. The adoption of an NPDES permit is exempt from the provisions of Chapter 3 of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21100, et seq.), in accordance with Section 13389 of the California Water Code.
23. The Regional Board has notified the Discharger and interested agencies and persons of its intent to prescribe waste discharge requirements for this discharge and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.
24. The Regional Board, in a public meeting, heard and considered all comments pertaining to the discharge.
25. This Order shall serve as an NPDES permit pursuant to Section 402 of the CWA, and amendments thereto, and shall take effect upon the date of hearing, provided EPA has not objections.

**IT IS HEREBY ORDERED** that the Metropolitan Stevedore Company, its agents, successors and assigns, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the Clean Water Act and regulations and guidelines adopted thereunder, shall comply with the following:

**A. DISCHARGE PROHIBITIONS:**

1. Discharge of materials, other than storm water, and de minimis quantities of dust suppressant, wash waters, fugitive dust or spilled product, as described in Findings

Nos. 4 and 9 of this Order, that is not otherwise authorized by this Order, or separate NPDES permit, to surface waters or surface water drainage courses is prohibited.

2. Discharge of storm water, and de minimis quantities of dust suppressant, wash waters, fugitive dust, and spilled product, as described in Findings Nos. 4 and 9 of this Order, shall not cause or threaten to cause pollution, contamination, or nuisance to ground water or surface water.

**B. EFFLUENT LIMITATIONS:**

1. Discharges of storm water, and de minimis quantities of dust suppressant, wash waters, fugitive dust, and spilled product, as described in Findings Nos. 4 and 9 of this Order, shall not contain a hazardous substance equal to or in excess of a reportable quantity listed in 40 CFR Part 117 and/or 40 CFR Part 302.
2. The Discharger must reduce or prevent pollutants associated with industrial activity in storm water discharges, and de minimis quantities of dust suppressant, wash waters, fugitive dust, and spilled product, as described in Findings Nos. 4 and 9 of this Order, through implementation of BAT for toxic and non-conventional pollutants and BCT for conventional pollutants.

**C. RECEIVING WATER LIMITATIONS:**

1. Discharges of storm water, and de minimis quantities of dust suppressant, wash waters, fugitive dust, and spilled product, as described in Findings Nos. 4 and 9 of this Order, shall not cause or contribute to an exceedance of any applicable water quality standards contained in the Basin and Bay/Delta Plans.
2. The Discharger will not be in violation of Receiving Water Limitation C.1. for storm water discharges as long as the Discharger has implemented BMPs that achieve BAT/BCT and the following procedure is followed:
  - a. The Discharger shall submit a report to the Regional Board's Executive Officer that describes the BMPs that are currently being implemented and additional BMPs that will be implemented to prevent or reduce any pollutants that are causing or contributing to the exceedance of water quality standards. The report shall include an implementation schedule for any new or modified BMPs. The Executive Officer may require modifications to the report.
  - b. Following approval of the report described above by the Executive Officer, the Discharger shall revise its SWPPP and monitoring program to incorporate any additional BMPs that will be implemented, the implementation schedule, and any additional monitoring required.
3. The Discharger shall be in violation of this Order if it fails to do any of the following:

- a. Submit the report described above within 60 days after either the Discharger or the Regional Board determines that discharges are causing or contributing to an exceedance of an applicable water quality standard; or
  - b. Revise its Program and monitoring program as required by the approved report.
4. Storm water and non-storm water discharges shall not cause underlying groundwater to be degraded.

**D. PROVISIONS:**

1. The Discharger shall comply with the following schedule to assure compliance with all prohibitions, limitations, and provisions specified in this Order:

<u>Compliance Task</u>	<u>Compliance Date</u>
a. Implement BMPs that reflect BAT and BCT technologies to prevent or minimize the direct discharge of bulk materials associated with shipping, receiving and storage activities.	<b>Forthwith</b>
b. Implement existing SWPPP and Monitoring and Reporting Program developed under Order No. 97-217	<b>Forthwith</b>
c. Review existing SWPPP, and revise as necessary to ensure compliance with requirements of this Order, and SWPPP requirements established in Provision D.9 of this Order. Submit the revised SWPPP to Regional Board.	<b>60 days</b>
d. Implement revised SWPPP upon Executive Officer approval	<b>30 days</b>

2. The Discharger shall demonstrate compliance with this Order through timely implementation of the compliance schedule of this Order, the SWPPP, monitoring program, and any modifications, revisions, or amendments developed and approved pursuant to General Provision E.1 of this Order.
3. The Discharger shall revise and amend its SWPPP when:
  - a. Monitoring data indicate that the objectives of this Order are not met or will be achieved in the prevention or reduction of pollutants being discharged with storm water and non-storm water discharges;

- b. There is change in operation, maintenance, or activities being conducted at the facility;
  - c. The Discharger is in violation of any conditions or requirements established in this Order;
  - d. Requested by Regional Board staff.
- 4. Unless otherwise requested by Regional Board staff, the Discharger shall recommend revisions or changes to the SWPPP in its Annual Report to be submitted in accordance with Monitoring and Reporting Program R5-2005-XXXX. All recommended changes or revisions shall be submitted with an explanation for the revision or change, and include an implementation schedule.
  - 5. Prior to using any chemicals (e.g. surfactants) as part of a dust suppression system, the Discharger shall submit the results of chronic toxicity tests which show no toxicity at the concentration to be used in the system. The testing shall be conducted as specified in EPA-600-4-91-002. The tests must be conducted with concurrent reference toxicant tests. Monthly laboratory reference toxicant tests may be substituted. Both the reference toxicant and dust suppression solution must meet all test acceptability criteria as specified in the EPA manual.
  - 6. The Discharger shall implement and comply with Monitoring and Reporting Program No. R5-2005-XXXX.
  - 7. Every year the Discharger shall evaluate its compliance with the requirements of this Order, and assess the effectiveness of its SWPPP in reducing or preventing pollutants in storm water discharges. The Discharger shall evaluate its assessment and evaluation of the SWPPP based on monitoring results obtained, and reported as part of its Annual Report required by Monitoring and Reporting Program No. R5-2005-XXXX of this Order.
  - 8. Upon written request by Regional Board staff, the Discharger shall provide a list of all anticipated marine shipments of bulk material for a period of 30 days subsequent to the date of the request.
  - 9. Pursuant to Provision D.1.c, the Discharger shall revise its SWPPP and ensure it meets the following requirements:
    - a. Implementation: The Discharger shall develop and implement a storm water pollution prevention plan (SWPPP) in accordance with the requirements established below.
    - b. Objectives: The SWPPP has two major objectives: (a) to identify and evaluate sources of pollutants associated with industrial activities that may affect the quality of storm water discharges and authorized non-storm water discharges

from the facility; and (b) to identify and implement site- specific BMPs to reduce or prevent pollutants associated with industrial activities in storm water discharges and authorized non-storm water discharges. BMPs may include a variety of pollution prevention measures or other low-cost and pollution control measures. They are generally categorized as non-structural BMPs (activity schedules, prohibitions of practices, maintenance procedures, and other low-cost measures) and as structural BMPs (treatment measures, run-off controls, over-head coverage).

The SWPPP requirements are designed to be sufficiently flexible to meet the needs of various facilities. SWPPP requirements that are not applicable to a facility should not be included in the SWPPP.

A facility's SWPPP is a written document that shall contain a compliance activity schedule, a description of industrial activities and pollutant sources, descriptions of BMPs, drawings, maps, and relevant copies or references of parts of other plans. The SWPPP shall be revised whenever appropriate and shall be readily available for review by facility employees or Regional Board inspectors.

c. *Planning and Organization*

i. *Pollution Prevention Team*

The SWPPP shall identify a specific individual or individuals and their positions within the facility organization as members of a storm water pollution prevention team responsible for developing the SWPPP, assisting the facility manager in SWPPP implementation and revision, and conducting all monitoring program activities required in this Order. The SWPPP shall clearly identify the Order related responsibilities, duties, and activities of the pollution prevention team.

ii. *Review Other Requirements and Existing Facility Plans*

The SWPPP may incorporate or reference the appropriate elements of other regulatory requirements. The Discharger should review all local, State, and Federal requirements that impact, complement, or are consistent with the requirements of this Order. The Discharger should identify any existing facility plans that contain storm water pollutant control measures or relate to the requirements of this Order.

- d. *Site Map*: The SWPPP shall include a site map. The site map shall be provided on an 8-<sup>1</sup>/<sub>2</sub> x 11 inch or larger sheet and include notes, legends, and other data as appropriate to ensure that the site map is clear and understandable. If necessary, Dischargers may provide the required information on multiple site maps. The following information shall be included on the site map:



- i. The facility boundaries; the outline of all storm water drainage areas within the facility boundaries; portions of the drainage area impacted by run-on from surrounding areas; and direction of flow of each drainage area, on-site surface water bodies, and areas of soil erosion. The map shall also identify nearby water bodies (such as rivers, lakes, ponds) and municipal storm drain inlets where the facility's storm water discharges and authorized non-storm water discharges may be received.
  - ii. The location of the storm water collection and conveyance system, associated points of discharge, and direction of flow. Include any structural control measures that affect storm water discharges, authorized non-storm water discharges, and run-on. Examples of structural control measures are catch basins, berms, detention ponds, secondary containment, oil/water separators, diversion barriers, etc.
  - iii. An outline of all impervious areas of the facility, including paved areas, buildings, covered storage areas, or other roofed structures.
  - iv. Locations where materials are directly exposed to precipitation and the locations where significant spills or leaks have occurred.
  - v. Areas of industrial activity. This shall include the locations of all storage areas and storage tanks, shipping and receiving areas, fueling areas, vehicle and equipment storage/maintenance areas, material handling and processing areas, waste treatment and disposal areas, dust or particulate generating areas, cleaning and rinsing areas, and other areas of industrial activity which are potential pollutant sources.
- e. List of Significant Materials: The SWPPP shall include a list of significant materials handled and stored at the site. For each material on the list, describe the locations where the material is being stored, received, shipped, and handled, as well as the typical quantities and frequency. Materials shall include raw materials, intermediate products, final or finished products, recycled materials, and waste or disposed materials.
- f. Description of Potential Pollutant Sources
- i. The SWPPP shall include a narrative description of the facility's industrial activities associated potential pollutant sources, and potential pollutants that could be discharged in storm water discharges or authorized non-storm water discharges. At a minimum, the following items related to a facility's industrial activities shall be considered:
    - a) Industrial Processes

Describe each industrial process, the type, characteristics, and quantity of significant materials used in or resulting from the process, and a description of the manufacturing, cleaning, rinsing, recycling, disposal, or other activities related to the process. Where applicable, areas protected by containment structures and the corresponding containment capacity shall be described.

b) Material Handling and Storage Areas

Describe each handling and storage area, type, characteristics, and quantity of significant materials handled or stored, description of the shipping, receiving, and loading procedures, and the spill or leak prevention and response procedures. Where applicable, areas protected by containment structures and the corresponding containment capacity shall be described.

c) Dust and Particulate Generating Activities

Describe all industrial activities that generate dust or particulates that may be deposited within the facility's boundaries and identify their discharge locations; the characteristics of dust and particulate pollutants; the approximate quantity of dust and particulate pollutants that may be deposited within the facility boundaries; and a description of the primary areas of the facility where dust and particulate pollutants would settle.

d) Significant Spills and Leaks

Describe materials that have spilled or leaked in significant quantities in storm water discharges or non-storm water discharges since April 17, 1994. Include toxic chemicals (listed in 40 CFR, Part 302) that have been discharged to storm water as reported on U.S. Environmental Protection Agency (U.S. EPA) Form R, and oil and hazardous substances in excess of reportable quantities (see 40 Code of Federal Regulations [CFR], Parts 110, 117, and 302).

The description shall include the type, characteristics, and approximate quantity of the material spilled or leaked, the cleanup or remedial actions that have occurred or are planned, the approximate remaining quantity of materials that may be exposed to storm water or non-storm water discharges, and the preventative measures taken to ensure spill or leaks do not reoccur. Such list shall be updated as appropriate during the term of this Order.

e) Soil Erosion

Describe the facility locations where soil erosion may occur as a result of industrial activity, storm water discharges associated with industrial activity, or authorized non-storm water discharges.

- ii. The SWPPP shall include a summary of all areas of industrial activities, potential pollutant sources, and potential pollutants.

g. Assessment of Potential Pollutant Sources

- i. The SWPPP shall include a narrative assessment of all industrial activities and potential pollutant sources as described in 6, above, to determine:
  - a) Which areas of the facility are likely sources of pollutants in storm water discharges, and
  - b) Which pollutants are likely to be present in storm water. The Discharger shall consider and evaluate various factors when performing this assessment such as current storm water BMPs; quantities of significant materials handled, produced, stored, or disposed of; likelihood of exposure to storm water or authorized non-storm water discharges; history of spill or leaks; and run-on from outside sources.
- ii. The Discharger shall summarize the areas of the facility that are likely sources of pollutants and the corresponding pollutants that are likely to be present in storm water discharges.
- iii. The Discharger is required to develop and implement additional BMPs as appropriate and necessary to prevent or reduce pollutants associated with each pollutant source.

- h. Storm Water Best Management Practices: The SWPPP shall include a narrative description of the storm water BMPs to be implemented at the facility for each potential pollutant and its source identified in the site assessment phase. The BMPs shall be developed and implemented to reduce or prevent pollutants in storm water. Each pollutant and its source may require one or more BMPs. Some BMPs may be implemented for multiple pollutants and their sources, while other BMPs will be implemented for a very specific pollutant and its source.

The description of the BMPs shall identify the BMPs as (1) existing BMPs, (2) existing BMPs to be revised and implemented, or (3) new BMPs to be implemented. The description shall also include a discussion on the effectiveness of each BMP to reduce or prevent pollutants in storm water discharges. The SWPPP shall provide a summary of all BMPs implemented for each pollutant source. The Discharger shall consider the following BMPs for implementation at the facility:

i. Non-Structural BMPs

Non-structural BMPs generally consist of processes, prohibitions, procedures, schedule of activities, etc., that prevent pollutants associated with industrial activity from contacting with storm water discharges. They are considered low technology, cost-effective measures. The Discharger should consider all possible non-structural BMPs options before considering additional structural BMPs. Below is a list of non-structural BMPs that should be considered:

a) Good Housekeeping

Good housekeeping generally consist of practical procedures to maintain a clean and orderly facility.

b) Preventive Maintenance

Preventive maintenance includes the regular inspection and maintenance of structural storm water controls (catch basins, oil/water separators, etc.) as well as other facility equipment and systems.

c) Spill Response

This includes spill clean-up procedures and necessary clean-up equipment based upon the quantities and locations of significant materials that may spill or leak.

d) Material Handling and Storage

This includes all procedures to minimize the potential for spills and leaks and to minimize exposure of significant materials to storm water discharges.

e) Employee Training

This includes training of personnel who are responsible for (1) implementing activities identified in the SWPPP, (2) conducting inspections, sampling, and visual observations, and (3) managing storm water. Training should address topics such as spill response, good housekeeping, and material handling procedures, and actions

necessary to implement all BMPs identified in the SWPPP. The SWPPP shall identify periodic dates for such training. Records shall be maintained of all training sessions held.

f) Waste Handling/Recycling

This includes the procedures or processes to handle, store, or dispose of waste materials or recyclable materials.

g) Recordkeeping and Internal Reporting

This includes the procedures to ensure that all records of inspections, spills, maintenance activities, corrective actions, visual observations, etc., are developed, retained, and provided, as necessary, to the appropriate facility personnel.

h) Erosion Control and Site Stabilization

This includes a description of all sediment and erosion control activities. This may include the planting and maintenance of vegetation, diversion of run-on and runoff, placement of sandbags, silt screens, or other sediment control devices, etc.

i) Inspections

This includes, in addition to the preventative maintenance inspections identified above, an inspection schedule of all potential pollutant sources. Tracking and follow-up procedures shall be described to ensure adequate corrective actions are taken and SWPPPs are made.

j) Quality Assurance

This includes the procedures to ensure that all elements of the SWPPP and Monitoring Program are adequately conducted.

ii. Structural BMPs

Where non-structural BMPs are not effective, structural BMPs shall be considered. Structural BMPs generally consist of structural devices that reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges. Below is a list of structural BMPs that should be considered:

a) Overhead Coverage

This includes structures that provide horizontal coverage of materials, chemicals, and pollutant sources from contact with storm water and authorized non-storm water discharges.

b) Retention Ponds

This includes basins, ponds, surface impoundments, bermed areas, etc., that do not allow storm water to discharge from the facility.

c) Control Devices

This includes berms or other devices that channel or route run-on and runoff away from pollutant sources.

d) Secondary Containment Structures

This generally includes containment structures around storage tanks and other areas for the purpose of collecting any leaks or spills.

e) Treatment

This includes inlet controls, infiltration devices, oil/water separators, detention ponds, vegetative swales, etc., that reduce the pollutants in storm water discharges.

- i. Annual Comprehensive Site Compliance Evaluation: The Discharger shall conduct one comprehensive site compliance evaluation (evaluation) in each reporting period (July 1 to June 30). Evaluations shall be conducted within 8-16 months of each other. The SWPPP shall be revised, as appropriate, and the revisions implemented within 90 days of the evaluation. Evaluations shall include the following:
  - i. A review of all visual observation records, inspection records, and sampling and analysis results.
  - ii. A visual inspection of all potential pollutant sources for evidence of, or the potential for, pollutants entering the drainage system.
  - iii. A review and evaluation of all BMPs (both structural and non-structural) to determine whether the BMPs are adequate, properly implemented and maintained, or whether additional BMPs are needed. A visual inspection of equipment needed to implement the SWPPP, such as spill response equipment, shall be included.

- iv. An evaluation report that includes, (i) identification of personnel performing the evaluation, (ii) the date(s) of the evaluation, (iii) necessary SWPPP revisions, (iv) schedule for implementing SWPPP revisions, (v) any incidents of non-compliance and the corrective actions taken, and (vi) a certification that the Discharger is in compliance with this Order. If the above certification cannot be provided, explain in the evaluation report why the Discharger is not in compliance with this Order. The evaluation report shall be submitted as part of the annual report, retained for at least five years, and signed and certified in accordance with Provisions of this Order.

j. SWPPP General Requirements

- i. The SWPPP shall be retained on site and made available upon request of a representative of the Regional Board and/or local storm water management agency (local agency), which receives the storm water discharges.
- ii. The Regional Board or local agency may notify the Discharger when the SWPPP does not meet one or more of the minimum requirements of this section. As requested by the Regional Board or local agency, the Discharger shall submit a SWPPP revision and implementation schedule that meets the minimum requirements of this section to the Regional Board or local agency that requested the SWPPP revisions. Within 14 days after implementing the required SWPPP revisions, the Discharger shall provide written certification to the Regional Board or local agency that the revisions have been implemented.
- iii. The SWPPP shall be revised, as appropriate, and implemented prior to changes in industrial activities which (i) may significantly increase the quantities of pollutants in storm water discharge, (ii) cause a new area of industrial activity at the facility to be exposed to storm water, or (iii) begin an industrial activity which would introduce a new pollutant source at the facility.
- iv. The SWPPP shall be revised and implemented in a timely manner, but in no case more than 90 days after the Discharger determines that the SWPPP is in violation of any requirement(s) of this Order.
- v. When any part of the SWPPP is infeasible to implement by the deadlines specified above, and due to proposed significant structural changes, the Discharger shall submit a report to the Board prior to the applicable deadline that (i) describes the portion of the SWPPP that is infeasible to implement by the deadline, (ii) provides justification for a time extension, (iii) provides a schedule for completing and implementing that portion of the SWPPP, and (iv) describes the BMPs that will be implemented in the

interim period to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges. Such reports are subject to Executive Officer approval. The Discharger shall provide written notification to the Regional Board within 14 days after the SWPPP revisions are implemented.

- vi. The SWPPP is considered a report that shall be available to the public by the Regional Board under Section 308(b) of the Clean Water Act.

**E. GENERAL PROVISIONS:**

1. The SWPPP may be revised or amended as part of the annual review process to respond to changed conditions and to incorporate more effective approaches to pollution control. Changes to the SWPPP, which may be initiated by the Executive Officer or by the Discharger, shall require approval by the Executive Officer. The Discharger may propose revisions in technical reports submitted to the Regional Board, or as part of the Annual Report required by Monitoring and Reporting Program No. R5-2005-XXXX.
2. This Order may be modified, or alternatively, revoked or reissued, prior to the expiration date for the following reasons:
  - a. To address changed conditions or new information identified in the required technical reports, or other sources deemed significant by the Regional Board;
  - b. To incorporate applicable requirements of statewide water quality control plans adopted by the State Board or amendments to the Basin Plan;
  - c. To comply with any applicable requirements, guidelines, or regulations issued or approved under Section 402(p) of the CWA, if the requirement, guideline, or regulation so issued or approved contains different conditions or additional requirements not provided for in this Order. The Order as modified or reissued under this paragraph shall also contain any other requirements of the CWA then applicable;
  - d. To amend this Order to facilitate implementation of the SWPPP; or
  - e. To revise the Monitoring and Reporting Program No. R5-2005-XXXX.
3. All applications, reports, or information submitted to the Regional Board shall be signed and certified pursuant to signatory requirements specified in 40 CFR Part 122.41(k).
4. The SWPPP, Monitoring and Reporting Program, and all other reports or documents submitted by the Discharger in response to Regional Board requests are considered reports that shall be available for the public under Section 308(b) of the CWA.



5. All revisions, modifications, and amendments made to the Program and Monitoring Program as approved by the Executive Officer or the Regional Board, are integral to this Order, and enforceable as evidence of compliance with this Order.
6. The Discharger shall comply with all applicable items of the "Standard Provisions and Reporting Requirements for Waste Discharge Requirements (NPDES)", dated 1 March 1991, which are part of this Order. This attachment and its individual paragraphs are referred to as "Standard Provisions".
7. This Order expires on *date pending*. The Dischargers must file a Report of Waste Discharge in accordance with Title 23, California Code of Regulations, no later than 180 days in advance of such date in application for renewal of waste discharge requirements.

I, THOMAS R. PINKOS, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Board, Central Valley Region, on *date pending*.

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THOMAS R. PINKOS, Executive Officer

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

MONITORING AND REPORTING PROGRAM NO. R5-2005-XXXX

NPDES NO. CA0084174

FOR  
METROPOLITAN STEVEDORE COMPANY  
PORT OF STOCKTON FACILITY  
SAN JOAQUIN COUNTY

**1. Implementation**

The Discharger shall develop and implement a written monitoring program for the facility covered by this Order that meets the requirements set forth below.

**2. Objectives**

The objectives of the monitoring program are to:

- a. Ensure that storm water discharges are in compliance with the Discharge Prohibitions, Effluent Limitations, and Receiving Water Limitations specified in Order No. R5-2005-XXXX.
- b. Ensure practices at the facility to reduce or prevent pollutants in storm water discharges are evaluated and revised to meet changing conditions.
- c. Aid in the implementation and revision of the Storm Water Pollution Prevention Plan (SWPPP) required by Order No. R5-2005-XXXX.
- d. Measure the effectiveness of best management practices (BMPs) to prevent or reduce pollutants in storm water discharges and authorized non-storm water discharges. Much of the information necessary to develop the monitoring program, such as discharge locations, drainage areas, pollutant sources, etc., should be found in the SWPPP. The Discharger's monitoring program shall be a written, site-specific document that shall be revised whenever appropriate and be readily available for review by employees or Regional Board inspectors.

**3. Non-storm Water Discharge Visual Observations**

- a. The Discharger shall visually observe all drainage areas within its facilities for the presence of unauthorized non-storm water discharges;

- b. The visual observations required above shall occur quarterly, during daylight hours, on days with no storm water discharges, and during scheduled facility operating hours. Quarterly visual observations shall be conducted in each of the following periods: January-March, April-June, July-September, and October-December. Facility operators shall conduct quarterly visual observations within six to 18 weeks of each other.
- c. Visual observations shall document the presence of any discolorations, stains, odors, floating materials, etc., as well as the source of any discharge. Records shall be maintained of the visual observation dates, locations observed, observations, and response taken to eliminate unauthorized non-storm water discharges.

#### **4. Storm Water Discharge Visual Observations**

- a. With the exception of 4.d, below, the Discharger shall visually observe storm water discharges from one storm event per month during the wet season (1 October to 30 May). These visual observations shall occur during the first hour of discharge and at all discharge locations. Visual observations of stored or contained storm water shall occur at the time of release.
- b. Visual observations are only required of storm water discharges that occur during daylight hours that are preceded by at least three (3) working days without storm water discharges and that occur during scheduled facility operating hours.
- c. Visual observations shall document the presence of any floating or suspended material, oil and grease, discolorations, turbidity, odor, and source of any pollutants. Records shall be maintained of observation dates, locations observed, observations, and response taken to reduce or prevent pollutants in storm water discharges. The SWPPP shall be revised, as necessary, and implemented in accordance with Order No. R5-2005-XXXX.
- d. The Discharger shall conduct inspections of any containment areas, after each major storm event of one inch or greater accumulation or at least monthly, to detect leaks and ensure maintenance of adequate freeboard. Records shall be maintained of the inspection dates, observations, and any response taken to eliminate leaks and to maintain adequate freeboard.

#### **5. Storm Water Sampling and Analysis**

- a. The Discharger shall collect storm water samples during the first hour of discharge from (1) the first storm event of the wet season, and (2) at least one other storm event during the wet season. Sampling of impounded storm water shall occur at the time the storm water is released. All storm water locations shall be sampled. In the likely

event that discharge doesn't occur during the first storm event of the year, the Discharger shall sample storm water collected in the primary retention basin if and when at least six inches of standing water collects in the basin.

- b. Sample collection is only required for storm water discharges that occur during scheduled facility operating hours and that are preceded by at least three days without storm water discharge.
- c. The samples shall be analyzed for:
  - (1) Chemical oxygen demand, heavy metals (total chromium, hexavalent chromium, copper, nickel, vanadium and zinc), pH, specific conductance, sulfate, sulfur, total dissolved solids, total suspended solids; and
  - (2) Other toxic chemicals and pollutants likely to be present in storm water discharges in significant quantities. If these pollutants are not detected in significant quantities after two consecutive sampling events, the Discharger may eliminate the pollutant from future sample analysis until the pollutant is likely to be present again; and
  - (3) Other parameters as required by the Regional Board.
- d. In addition to the above monitoring, the Discharger shall monitor the onsite retention basin for pH and specific conductivity monthly (as long as at least six inches of standing water are present) and provide these data in the annual reports.

## **6. Storm Water Discharge Sampling Locations**

- a. The Discharger shall visually observe and collect samples of storm water discharges from all drainage areas that represent the quality and quantity of the facility's storm water discharges from the storm event.
- b. If the facility's storm water discharges are commingled with run-on from surrounding areas, the Discharger should identify other visual observation and sample collection locations that have not been commingled by run-on and that represent the quality and quantity of the facility's storm water discharges from the storm event.
- c. If visual observation and sample collection locations are difficult to observe or sample (e.g., sheet flow, submerged outfalls), the Discharger shall identify and collect samples from other locations that represent the quality and quantity of the facility's storm water discharges from the storm event.

- d. If the Discharger determines that the industrial activities and BMPs within two or more drainage areas are substantially identical, it may either (i) collect samples from a reduced number of substantially identical drainage areas, or (ii) collect samples from each substantially identical drainage area and analyze a combined sample from each substantially identical drainage area. The Discharger must document such a determination in the annual report.

## **7. Visual Observation and Sample Collection Exceptions**

The Discharger shall be prepared to collect samples and conduct visual observations at the beginning of the wet season (October 1) and throughout the wet season until the minimum requirements of the MRP are completed with the following exceptions:

- a. The Discharger is not required to collect a sample and conduct visual observations in the event of dangerous weather conditions, such as flooding, electrical storm, etc., when storm water discharges begin after scheduled facility operating hours or when storm water discharges are not preceded by three working days without discharge. Visual observations are only required during daylight hours. If the Discharger does not collect the required samples or visual observations during a wet season due to these exceptions, an explanation shall be provided in the Annual Report as to why the sampling or visual observations could not be conducted.
- b. Visual observations and sample collection may be conducted more than one hour after discharge begins if the Discharger determines that the objectives of this section will be better satisfied. The Discharger shall include an explanation in the Annual Report why the visual observations and sample collection should be conducted after the first hour of discharge.

## **8. Spill Reporting**

The Discharger shall report material spills that enter either the Port's municipal storm sewer system or receiving waters to the Regional Board within 24 hours of occurrence. Spill reporting shall include the circumstances surrounding the spill (i.e., date, time, location, the person who observed the spill, and the cause) and the estimated amount of the release. Spills that occur during the year shall also be documented in the annual reports.

## **9. Monitoring Methods**

- a. The Discharger shall explain how the facility's monitoring program will satisfy the monitoring program objectives. This shall include:
  - (1) Rationale and description of the visual observation methods, location, and frequency.

- (2) Rationale and description of the sampling methods, location, and frequency; and
  - (3) Identification of the analytical methods and corresponding method detection limits used to detect pollutants in storm water discharges. This shall include justification that the method detection limits are adequate to satisfy the objectives of the monitoring program.
- b. All sampling and sample preservation shall be in accordance with the current edition of "Standard Methods for the Examination of Water and Wastewater" (American Public Health Association). All monitoring instruments and equipment (including a Discharger's own field instruments for measuring pH and Electrical Conductivity) shall be calibrated and maintained in accordance with manufacturers' specifications to ensure accurate measurements. All laboratory analyses must be conducted according to test procedures under 40 CFR Part 136, unless other test procedures have been specified in this Order or by the Regional Board. All metals shall be reported as total metals. With the exception of analyses conducted by Dischargers, all analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services. The Discharger may conduct its own sample analyses if the Discharger has sufficient capability (qualified employees, laboratory equipment, etc.) to adequately perform the test procedures.

## **10. Records**

Records of all storm water monitoring information and copies of all reports (including the Annual Reports) required by this Order shall be retained for a period of at least five years. These records shall include:

- a. The date, place, and time of site inspections, sampling, visual observations, and/or measurements;
- b. The individual(s) who performed the site inspections, sampling, visual observations, and or measurements;
- c. Flow measurements or estimates (if required for compliance with effluent limitations established in this Order);
- d. The date and approximate time of analyses;
- e. The individual(s) who performed the analyses;

- f. Analytical results, method detection limits, and the analytical techniques or methods used;
- g. Quality assurance/quality control records and results;
- h. Non-storm water discharge inspections and visual observations and storm water discharge visual observation records;
- i. Visual observation and sample collection exception records;
- j. All calibration and maintenance records of on-site instruments used;
- k. The records of any corrective actions and follow-up activities that resulted from the visual observations.

**11. Monitoring and Reporting Program (MRP) Revisions**

- a. This Monitoring and Reporting Program may be reopened to revise the list of constituents listed in Item 5.c above. The Executive Officer may approve the revision, without Regional Board action if the revision to the monitoring requirements involves only the addition of constituents to be monitored.
- b. The Discharger shall annually review its monitoring results to determine if it is appropriate and applicable to the implementation and evaluation of its SWPPP. The Discharger shall propose revision of the monitoring program as a result of its review. The Discharger shall request such changes in its Annual Report.
- c. The Discharger shall revise and amend its Monitoring and Reporting Program when:
  - (1) The Storm Water Pollution Prevention Plan is revised to address a new activity or source of pollutants;
  - (2) Monitoring data indicates that the objectives of this Order are not met or will not be achieved in the prevention or reduction of pollutants being discharged with storm water and non-storm water discharges;
  - (3) There is a change in operation, maintenance, or activities being conducted at the facility;
  - (4) The Discharger is in violation of any conditions or requirements established in Order No. R5-2005-XXXX;
  - (5) Requested by Regional Board staff.

- d. Unless otherwise requested by Regional Board staff, the Discharger shall recommend revisions or changes to the Monitoring and Reporting Program in its Annual Report. All recommended changes or revisions shall be submitted with an explanation for the revision or change, and an implementation schedule.
- e. Revisions or changes to the Monitoring and Reporting Program will be approved in accordance with General Provision E.1 of Order No. R5-2005-XXXX.

## **12. Annual Reports**

The Discharger shall submit an Annual Report by **1 July** of each year. The objectives of the Annual Report are to allow the Discharger to:

- a. Demonstrate the Storm Water Pollution Prevention Plan is being implemented and is effective;
- b. Summarize and evaluate the monitoring program analytical results and inspection activities, and how these results relate to the Storm Water Pollution Prevention Plan's implementation and effectiveness;
- c. Demonstrate BMPs being implemented through the SWPPP are appropriate, adequate, maintained, and effective;
- d. Demonstrate pollutants have been reduced or prevented through implementation of the SWPPP and its BMPs, and monitoring program;
- e. Recommend changes, revisions, and amendments to the SWPPP and Monitoring and Reporting Program based on the findings of the annual review and effectiveness evaluation process, and to address other issues or problems that may cause the Discharger to not fully and completely implement its SWPPP, monitoring program, or other activities required to comply with the requirements established in Order No. R5-2005-XXXX, and this Monitoring and Reporting Program.
- f. Demonstrate the BMPs (using BAT and BCT) to reduce pollutants in non-storm water discharges are effective.

The report shall include a summary of visual observations and sampling results, an evaluation of the visual observation and sampling and analysis results, laboratory reports, the Annual Comprehensive Site Compliance Evaluation Report required in the SWPPP, an explanation of why a facility did not implement any activities required by the Order No. R5-2005-XXXX (if not already included in the Evaluation Report), and records specified in 12, above. The method detection limit of each analytical parameter shall be included.



Analytical results that are less than the method detection limit shall be reported as "less than the method detection limit." The Annual Report shall be signed and certified in accordance with Provisions of Order No. R5-2005-XXXX.

Ordered by: \_\_\_\_\_  
THOMAS R. PINKOS, Executive Officer

\_\_\_\_\_  
(Date)

## INFORMATION SHEET

### METROPOLITAN STEVEDORE COMPANY PORT OF STOCKTON FACILITY, SAN JOAQUIN COUNTY

The Metropolitan Stevedore Company (Discharger) operates a facility at the Port of Stockton, San Joaquin County. The Discharger operates a marine bulk material loading and unloading facility (ship loader) at Dock 12, a conveyor system for the transfer of bulk materials to or from Dock 12, a rotary rail car dumper, and an office. The current and anticipated bulk materials handled by the Discharger are coal and sulfur. The Discharger leases land from the Stockton Port District (District) to conduct its operations, and has right-of-way from the District for the operation of its conveyor system. Storm water and non-storm water from the areas where the Discharger conducts its activities discharges either to land and evaporates or percolates into ground water, or discharges directly to the San Joaquin River and Stockton Deep Water Channel, or indirectly to these waters through the storm sewer system that is owned and operated by the District.

The Discharger was issued an individual NPDES permit (EPA No. CA0084174; Regional Board Order No. 97-217) in October 1997. This Order authorized the discharge of the following direct or non-storm water discharges: (1) fugitive dust and spills of bulk material that may occur from the ship loader and conveyor system during loading/unloading activities; (2) material dust suppressant waters; and (3) ship loader, conveyor, and dock wash/rinse waters. These discharges are intermittent, and are characterized by the Discharger as de minimis and incidental discharges.

Prior to 1997, the Discharger was regulated under the State of California's General Permit for Storm Water Discharges Associated with Industrial Activities, Water Quality Order No. 97-03-DWQ (General Permit No. CAS000001). The General Permit authorizes the discharge of storm water and certain non-storm water discharges. The non-storm water discharges covered under this permit do not meet the criteria which would allow them to be classified as non-storm water discharges under the General Permit. An individual NPDES permit, Order No. 97-217, was issued and the Discharger was allowed to terminate the General Permit coverage.

As with Order No. 97-217, the proposed order includes provisions to authorize storm water discharges associated with activities being conducted by the Discharger. These discharges include runoff from the covered conveyor system, which runs from the bulk storage area to the ship loader, and runoff from the ship loader. Runoff from the conveyor system is collected and directed to land; however, incidental discharges may occur where the conveyor joins the ship loader. The ship loader is covered; however, fugitive dust and spills may occur that come in contact with storm water. Discharges from the ship loader go directly to the River or the Deep Water Ship Channel.

The Discharger has already developed and implemented a Storm Water Pollution Prevention Plan (SWPPP) and Monitoring and Reporting Program. The proposed Order requires the Discharger to continue implementing its SWPPP and monitoring program, and to review and revise these plans to meet the requirements set forth in the proposed Order within 60 days after the adoption of the Order. The SWPPP and Monitoring and Reporting Program requirements of the proposed Order

have been developed to ensure that, to the extent feasible, the requirements of the General Permit are met.

Notable best management practices (BMPs) employed by the Discharger include onsite retention basins that accept runoff from most of the Discharger's activities, secondary containment beneath the Discharger's conveyor, dust suppression at key points along the conveyor, secondary containment beneath a hazardous materials/waste storage area, and complete containment of the rotary rail car dumper.

The proposed Order authorizes de minimis discharges of bulk material directly to the River and Deep Water Channel provided the Discharger addresses the loading and unloading activities in its facility's SWPPP, and implements appropriate BMPs to ensure that water quality criteria are not impacted, or threatened to be impacted.

The proposed Order's effluent limitations are narrative and require that the discharger reduce or prevent the discharge of pollutants in storm water discharges, non-storm water discharges, and direct discharges through implementation of best conventional technologies (BCT) for conventional pollutants, and implementation of best available technologies (BAT) for toxic and non-conventional pollutants that are technically and economically achievable. The facility's SWPPP describes the BMPs that will be implemented to meet the discharge standards. The Discharger will implement a monitoring program that includes visual inspections and sample collection to verify the SWPPP and BMPs are implemented, effective, and will cause the Discharger to be in compliance with the proposed Order. The Discharger will be required to revise its SWPPP and monitoring program if it determines the SWPPP and BMPs are not effective, or the requirements of the Order are not being met.

The proposed Order contains receiving water limitations that recognize the iterative approach to storm water pollution prevention. The Order establishes a procedure the Discharger must follow if an exceedance of a water quality criteria established in the receiving water limitations occurs. So long as the Discharger complies with the established procedure and has implemented BMPs that achieve BAT/BCT, the Discharger will not be in violation if exceedance occurs.

Storm water runoff, dust suppression water, and wash down water from bulk materials handling operations collect in a primary retention basin and some other low areas onsite, and evaporate or percolate into groundwater. The Discharger submitted data showing that this water is contained onsite in a 50-year storm event. Discharges may occur during intense storm events or when annual accumulated rainfall far exceeds the average for a given year. These waters, when mixed together, are considered non-storm water discharges. Analytical results for mixed storm water and non-storm water collected from the primary retention basin from 1997 to 2004 showed constituents at levels that may threaten water quality if runoff occurs. This Order prohibits discharges of storm water or non-storm water to surface water from the site, unless the Discharger shows it has reduced or prevented pollutants in the discharge through implementation of best available technology (BAT)

for toxic and non-conventional pollutants and best conventional technology (BCT) for conventional pollutant

Storm water and non-storm water impounded at the site may pose a threat to groundwater quality. In March 2005, Regional Board staff inspected the Discharger's facility and vicinity to evaluate the appropriateness of regulating onsite surface water impoundments under Title 27 of the California Code of Regulations. This inspection prompted a request from the Regional Board for the Discharger, the Stockton Port District, and two nearby sulfur bulk storage facilities to jointly conduct a groundwater investigation and submit a Report of Waste Discharge for waste discharges to land. The results of the groundwater investigation and the Report of Waste Discharge are to be submitted by 1 September 2005. Any subsequent actions by the Regional Board to protect groundwater at the Discharger's site will be pursued independent of the proposed Order.